

**Mailed:
March 4, 2004**

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Nuventive, LLC

Serial No. 76339234

David V. Radack for Nuventive, LLC.

Sharon A. Meier, Trademark Examining Attorney, Law Office
116, (Meryl Hershkowitz, Managing Attorney).

Before Hanak, Walters and Chapman, Administrative Trademark
Judges.

Opinion by Hanak, Administrative Trademark Judge:

Nuventive, LLC (applicant) seeks to register in typed
drawing form IWEBFOLIO for "computer software for creating
and providing selective, user-controlled access to a user's
personal electronic portfolio." The intent-to-use
application was filed on November 14, 2001.

Citing Section 2(e)(1) of the Trademark Act, the
Examining Attorney has refused registration on the basis
that applicant's mark is merely descriptive of applicant's
services. When the refusal to register was made final,
applicant appealed to this Board. Applicant and the

Examining Attorney filed briefs. Applicant did not request a hearing.

A mark is merely descriptive pursuant to Section 2(e)(1) of the Trademark Act if it immediately conveys information about a significant quality or characteristic of the relevant goods or services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987); In re Bed & Breakfast Registry, 791 F.2d 157, 229 USPQ 818, 819 (Fed. Cir. 1986). Moreover, a mark need only describe one significant quality or characteristic of the relevant goods or services in order to be held merely descriptive. In re Gyulay, 3 USPQ2d at 1010.

Considering first the "I" portion of applicant's mark, the Examining Attorney has made of record from the AF Acronym Finder a page showing that the letter "I" stands for, among other things, "Internet." Moreover, the Examining Attorney has made of record numerous stories from newspapers and magazines where it is clear that the prefix "I" stands for "Internet." One such story is from the August 16, 1999 edition of InfoWorld and the story concludes by stating that "the 'I' prefix, [is] short for 'Internet,' of course."

In response, at page 3 of its brief applicant argues that "the letter 'I,' while having one meaning that can be

'INTERNET' also has several other meanings." This is true. The AF Acronym Finder made of record by the Examining Attorney shows that the letter "I" also stands for "international" and "iodine." However, it must be remembered that the mere descriptiveness of a letter or word is not judged in the abstract, but rather is judged in relationship to the goods or services with which the letter or word is used. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 216 (CCPA 1978). When used in connection with any type of computer software, we believe that consumers would clearly understand that the letter "I" stands for Internet, and does not stand for international or iodine.

As for the WEBFOLIO portion of applicant's mark, applicant concedes at page 3 of its brief that the Examining Attorney did locate "some descriptive uses of these terms [web folio] on various web sites." Continuing, applicant notes that "although the use of this term [WEBFOLIO] by itself, if descriptive, describes a quality or feature of the applicant's product, applicant's combination of the letter 'I' and the terms 'WEBFOLIO,' to create a unitary mark, does not immediately convey to a relevant purchaser a description of applicant's software product."

We simply disagree. The Examining Attorney has made of record numerous articles from magazines and newspapers where the term "web folio" is used to describe products that are extremely similar to applicant's product. In this regard, we note applicant has submitted product literature describing its IWEBFOLIO product. This literature states that "students [can] create an unlimited number of customized portfolios for coursework, focused learning, academic discussion or job placement." Continuing, the product literature notes that "the student controls which individuals or groups access their portfolio, what they can see and for what period of time."

Numerous other companies have used the term "web folio(s)" to describe products that are essentially identical to applicant's product. For example, one online story is titled Web Folios and it reads as follows: "What are Web Folios? Web Folios are portfolios of students' work on line. These 'electronic portfolios' represent an authentic assessment that can be shared with the parents, the school community and anyone on the web." Another online story made of record by the Examining Attorney describes student "web folios for use in a course given by assistant professor Rick Dollieslager at Thomas Nelson Community College."

In short, we find that the term "web folio(s)" describes precisely the computer software for which applicant seeks to register the mark IWEBFOLIO. We also find that as used in conjunction with computer software, the letter "I" would be readily understood to mean Internet. Moreover, we likewise find that placing the letter "I" in front of the descriptive term "web folio(s)" in no way creates a "unique and distinctive unitary mark" as applicant argues at page 4 of its brief. If anything, placing the letter "I" in front of the descriptive term "web folio(s)" merely creates a redundancy in that all "web folios" can be accessed via the Internet. Finally, it need hardly be said that the fact that applicant has chosen to depict WEBFOLIO as one word and not two and to place in front of WEBFOLIO the clearly descriptive and indeed redundant letter "I" does not result in a mark that is other than merely descriptive of applicant's services.

Decision: The refusal to register is affirmed.